

# CONSTITUTION of the KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION

*(Case situations refer to rulings and interpretations used to interpret and administer these provisions which can be found in the Case Situation section of the Handbook. Where possible, additional cross-referencing information has been included).*

## ARTICLE I

### NAME

The name of this organization shall be the Kentucky High School Athletic Association.

## ARTICLE II

### OBJECT

The object shall be the development, regulation, and purification of the athletic activities in this state.

## ARTICLE III

### MEMBERSHIP

This association shall be composed of public schools (grades 6-12) that are accredited by the Kentucky Board of Education and non-public schools that voluntarily comply with accrediting standards of the Kentucky Department of Education. Member schools are required to comply with the provisions of the Kentucky High School Athletic Association Constitution and Bylaws. No school shall become a member or continue to be a member whose detailed financial (athletic or otherwise), scholastic, and attendance records are not matters of public property or record. Grades K-5 shall not be eligible for membership.

(See Case C-2)

## ARTICLE IV

### ADMINISTRATION AND LEGISLATION

#### Section 1. Officers

The officers of the Association shall be a Commissioner and a Board of Control composed of eighteen (18) members, at least three (3) of whom shall be African-American, and at least three (3) of whom shall be female.

#### Section 2. Representation and Governance

##### A) DESIGNATED REPRESENTATIVE

Each member school Principal may, in accordance with Bylaw 1, appoint one (1) DESIGNATED REPRESENTATIVE for each member school to represent that school in the Association.

##### B) BOARD OF CONTROL

###### 1) REPRESENTATION

Eight (8) Board of Control members shall be elected by a vote of the PRINCIPALS or DESIGNATED REPRESENTATIVES of member schools in each section to serve as SECTIONAL Board of Control members. A SECTION is defined as the combination of two (2) contiguous regions as defined by the KHSAA alignment in basketball. (Basketball Regions 1 and 2 (S. 1), 3 and 4 (S. 2), 5 and 6 (S. 3), 7 and 8 (S. 4), 9 and 10 (S. 5), 11 and 12 (S. 6), 13 and 14 (S. 7), 15 and 16 (S. 8)) Terms of these SECTIONAL Board of Control members shall be staggered so that two (2) are elected each year.

One African-American shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 1 through 8 and one African-American shall be elected by PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 9 through 16 to serve as DESIGNATED members of the Board of Control. One female shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 1 through 8 and one female shall be elected by PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 9 through 16 to serve as DESIGNATED members of the Board of Control. Terms of the DESIGNATED members shall be staggered so that one is elected each year.

One person shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 1 through 8 who shall come from the non-public (not classification A1 or D1 schools) member schools of the Association, and one person shall be elected by the PRINCIPALS or DESIGNATED REPRESENTATIVES from regions 9 through 16 and shall come from the non-

public (not classification A1 or D1 schools) member schools of the Association to serve as DESIGNATED members of the Board of Control. Initially, one non-public school representative shall serve a three-year term, and one shall serve a five-year term. Following initial election, the terms of the DESIGNATED representatives required to be from the non-public member schools shall be staggered so that one is elected each even numbered year. Balloting for these non-public school representatives shall only be conducted among the non-public school representatives of the Association.

Four (4) at-large members of the Board of Control are to be appointed by the Kentucky Board of Education. These members are to be at-large appointments recommended by the Commissioner of the Kentucky Department of Education. These appointees shall not be an employee of any member school or its central administration, or the administration of the Kentucky Department of Education. At least one of these appointees shall be an African-American and one shall be a female. Terms of the at-large members shall be staggered so that one is appointed each year.

###### 2) TERM IN OFFICE

Members of the Board of Control shall serve a four-year term in office unless filling an unexpired term created by death or resignation of a member, in which case the balance of the remaining term is the term in office. The term year for the Board of Control is July 1 through June 30.

No member is eligible to serve more than two (2) consecutive complete four-year terms with no further limits as to lifetime eligibility.

SECTIONAL members are not eligible to serve on the Board of Control if the region has been represented for two (2) consecutive four-year terms. If a SECTIONAL representative moves to a different region following his/her election, the region in which the member was employed at the time of election shall be used to determine the status of section for the next election.

###### 3) ELIGIBILITY

To be eligible for membership as a SECTIONAL or DESIGNATED representative on the Board of Control, one must be an employee holding a valid Kentucky Teaching Certificate issued by the Education Professional Standards Board and be an employee of an accredited KHSAA member school or system which is in good standing with the KHSAA. He/she must be employed in the section he/she is to represent, and must remain employed in that section during his/her tenure of office. Serving in a part-time capacity (less than three hours of instruction or other administrative duties other than a bonafide 100-day contract assignment as approved by rules of the Kentucky Teachers Retirement System) or on leave of absence (exclusive of employee earned sick leave) will terminate the eligibility of the member. He/she shall not be eligible after serving two (2) consecutive four-year terms.

If a vacancy occurs with less than one year remaining on the term in office, the Board of Control shall fill the vacancy for the remainder of the term. If a vacancy occurs with one year or more remaining or if a newly elected member of the Board of Control is unable to take office at the start of his/her term, the Commissioner shall ensure the vacancy is filled within sixty (60) days in the same manner as that prescribed for the regular selection of Board members.

###### 4) BALLOTING

a) NOTIFICATION - Notification to the PRINCIPALS or DESIGNATED REPRESENTATIVES of each school in each section in which a SECTIONAL or DESIGNATED member is to be elected, must be

made by the Commissioner not later than January 1 preceding the July in which a term is to begin.

- b) **NOMINATIONS** - Nominations for membership on the Board of Control, signed by five PRINCIPALS OR DESIGNATED REPRESENTATIVES of the section, shall be in the hands of the Commissioner, for SECTIONAL or DESIGNATED positions that elect during the year not later than midnight, January 31 preceding the July in which a term is to begin.
- c) **BALLOTS** - the Commissioner shall distribute Ballots for election before February 15 preceding the July of the year in which a term is to begin, to be returned on or before March 1 preceding the July in which a term is to begin.
- d) **TABULATION** - Results of the election shall be tabulated by the Commissioner in the presence of a minimum of four witnesses with all ballots opened at the same meeting and time, and published in the "Athlete" Magazine.

**5) OFFICERS**

At the regular scheduled meeting of the Board prior to the close of the school year, the members of the Board shall elect from their membership, a President and Vice-President to serve for the following year. They shall not be eligible to serve for more than four one-year terms in succession as an officer.

**6) KENTUCKY DEPARTMENT OF EDUCATION LIAISON**

The Commissioner of the Kentucky Department of Education shall designate a liaison person to meet with the Board of Control and to participate in all discussions, but to have no vote as a member of the Board of Control.

The KDE liaison shall provide an update on the actions taken by the Board of Control at each meeting of the Kentucky Board of Education, and shall report to the Board of Control any relevant action and appropriate information from the Kentucky Board of Education.

**C) ANNUAL MEETING**

Each member school of the Association through its PRINCIPAL OR DESIGNATED REPRESENTATIVE shall designate a representative for the ANNUAL MEETING to serve as a DELEGATE and shall submit the name to the Commissioner on or before September 10. The ANNUAL MEETING shall focus on current issues facing the Association and ways to promote athletics such as sports medicine, intramural and interscholastic programming and eligibility rules as well as debate and consideration of proposed changes to the organizations' Constitution and Bylaws. DELEGATES shall serve for a term of one year. If the duly designated DELEGATE does not attend the ANNUAL MEETING, the school shall remain not represented.

**D) COMMISSIONER**

The Board of Control shall employ a Commissioner for a term of one to four years, and shall determine the salary for the position.

**Section 3. Duties of Officers**

**A) PRESIDENT**

The President of the Board of Control shall preside at all its meetings, and at the ANNUAL MEETING of the Association. He/she may call special meetings of the Board of Control when deemed necessary.

**B) VICE-PRESIDENT**

The Vice-President of the Board of Control shall perform the duties ordinarily pertaining to the office.

**C) COMMISSIONER**

The Commissioner shall:

- 1) Be the executive officer of the Association, subject to the advice of the Board of Control, and shall act as secretary-treasurer of the organization. Employ personnel deemed necessary including those required by statute or decree.
- 2) Prepare and receive reports and keep all records as directed by the Board of Control as outlined in the Constitution, Bylaws, and Tournament Regulations. Provide a quarterly report of eligibility rulings to the Board of Control.

- 3) Interpret the Constitution, Bylaws, and Tournament Regulations.
- 4) Enforce all penalties provided for and fix penalties for violations for which no penalties are prescribed.
- 5) Have the authority to suspend offending schools for the violation of regulations prescribed in the Bylaws and Tournament Regulations (The Board of Control through its own initiative or on appeal from a suspended school may sustain or set aside the action of the Commissioner).
- 6) Make arrangements for and conduct the management of all state tournaments after consulting the Board of Control as to the site and proposed plan of management. Have authority to contract with appropriate entities to manage all postseason contests.
- 7) Be responsible for editing and publishing the "Athlete", and shall cause to be published in the "Athlete" the complete record of the minutes of each regular and called meeting of the Board of Control, said minutes to appear in the next issue of the "Athlete" immediately following the meeting of the Board of Control.
- 8) Arrange a series of baseball, basketball, field hockey, football, golf, soccer, softball, swimming, track, volleyball and wrestling rules interpretation clinics before the beginning of the respective seasons.
- 9) Promote sportsmanship among schools, athletes, and the general public.
- 10) Submit an annual report through the Commissioner of Kentucky Department of Education to the Kentucky Board of Education in compliance with approved KARs relating to finances and programs for the preceding year, and planned programs for the current year. Advise the Kentucky Department of Education legal counsel of all legal action brought against the Association.

**D) BOARD OF CONTROL**

The Board of Control shall:

- 1) Have general supervision of the affairs of the Association deciding all questions and performing all duties not provided for in the Constitution.
- 2) Establish the Office of the Commissioner. Evaluate annually the performance of the Commissioner.
- 3) Establish salaries for staff comparable to duties and responsibilities.
- 4) Establish annually, goals and achievements for the Board of Control and the Association.
- 5) Perform a self-assessment of the Board of Control and the Association.
- 6) Report annually, the goals, achievements and self-assessments to the Kentucky Board of Education.
- 7) Hold a minimum of six regular meetings.
- 8) Be empowered to transact its business when a majority of its members is present at a meeting. This shall constitute a quorum.
- 9) Review all proposed changes to the KHSAA Constitution and Bylaws. Have authority to reject any proposed change determined not to be in the best interest of the Association.
- 10) Have authority to publish an Association magazine.
- 11) Have authority, upon petition and for cause shown, to reinstate any student or coach who has been barred from competition.
- 12) Have the authority to assess fines and impose penalties in compliance with an established penalty code with minimum and maximum penalties for each rules violation.
- 13) Have authority to establish tournaments and meets in all sports and to adopt regulations for these tournaments and meets. The Board of Control shall have the authority to assess receipts of all postseason games, meets, or tournaments in all sports.
- 14) Have authority to amend the playing rules for any sport sponsored by the Association.
- 15) Have authority, as trustees, to purchase or otherwise acquire real property, and to sell, exchange, lease, mortgage, or in any manner dispose of any real

property upon such terms and for such considerations as the trustees consider proper.

- 16) The Board of Control shall appoint the delegate(s) who represents Kentucky at the annual meeting of the National Federation of State High School Associations yearly.

#### Section 4. Retirement of Executives

All members of the Executive staff shall qualify for membership and shall maintain status as an active member and contributor to the Kentucky Teachers Retirement System, and as such, shall abide by all of the rules of that organization regarding retirement and all other qualifying criteria.

### ARTICLE V

#### REPRESENTATION AT THE ANNUAL MEETING

In the ANNUAL MEETING of the Association, the DELEGATES shall consist of one representative from each member school of the Association. The Kentucky High School Coaches Association, the Kentucky Association of Secondary School Principals, the Kentucky Association of School Superintendents, the Kentucky High School Athletic Directors Association and any other related group approved by the Board of Control shall also be entitled to designate a member to the ANNUAL MEETING who shall have voice but not vote in the proceedings of the meeting. The DELEGATES shall there transact all business of the ANNUAL MEETING. None but these DELEGATES shall have the right to vote. There shall be no vote by proxy.

### ARTICLE VI

#### APPLICATION FOR MEMBERSHIP

The Principal of the school shall make application for membership in the Association to the Commissioner in writing. The principal shall state that he/she has read and is familiar with the Constitution, Bylaws, and Tournament Regulations of the Association. The Kentucky Department of Education shall be the authority as to the school's status as an approved secondary school.

A new school formed from schools under the auspices of the same board of education as a member school will be received into the KHSAA upon receipt of the application and a copy of the operational approval of the Kentucky Board of Education. Schools that originate from sources other than herein described will remain in a candidacy status for a two-year period and shall be ineligible for postseason championship play during that period.

The deadline for accepting new applications for membership in the Association is July 1. The Board of Control of the KHSAA shall consider each application for membership for approval at its July meeting and shall have authority to deny the membership application of a school whose compliance history is such that the school does not regularly and routinely act in the best interests of the Association or in the case where any requested records are not provided in a timely fashion.

### ARTICLE VII

#### ASSOCIATION REVENUES

##### Section 1. Annual Dues

Each member school shall pay an annual membership fee to the Commissioner on or before September 1. The Board of Control shall determine the amount of the fee. Although the official year of the Association begins July 1 and ends on June 30, member schools are given a grace period of two months in which to pay their annual dues. Schools failing to pay their dues by September 1 may be dropped from membership and shall be penalized in accordance with KHSAA Board of Control regulations.

### Section 2. Postseason Revenue

#### A) DISTRICT TOURNAMENTS

In all sports that are classified into districts (except football), the participating schools in the district tournament shall divide the net revenues of the tournament after expenses agreed to by the schools and in accordance with established KHSAA Tournament Rules.

#### B) OTHER TOURNAMENT ROUNDS, ALL FOOTBALL PLAYOFFS

In all other tournament rounds and all rounds of the football playoffs, all revenue after expenses shall be divided among the schools within the classification of the participating team (i.e. basketball region, football district) in a manner to be determined by a majority vote of the schools in the classification (i.e. basketball region, football district).

(See Case C-1)

### ARTICLE VIII CONTESTS

#### Section 1. With Kentucky Non-Member Schools

KHSAA member schools may only compete in contests against schools located in Kentucky that are current members of the KHSAA. Any KHSAA member school, that [which] engages in an athletic contest with a nonmember Kentucky school that is eligible for membership in the Association, may be subject to all penalties contained in Bylaw 33 [suspended for a period to be determined by the Board of Control].

#### Section 2. With Schools From [in] Other States

All contests played by KHSAA member schools shall be governed by the rules and regulations established by the Board of Control including but not limited to Article VIII of the KHSAA Constitution. Approval for any exemptions must come through the Commissioner. Any KHSAA member school engaging in a contest with a school from [in] another state shall play under the rules of the KHSAA [and shall require its opponents to play under the rules of its own state Association]. All opponents of KHSAA schools in all contests shall be current members of the state association in the home state of the opponent.

#### Section 3. Contracts

##### A) OFFICIAL CONTRACT FORMS

Official contracts, supplied by the office of the Commissioner, shall be used for all contests between members of the Association, and they shall include statements to the effect that contracting parties are members of the Association.

##### B) ORAL CONTRACTS

The Association will not undertake to enforce oral contracts or oral agreements to changes in written contracts.

##### C) NOTIFICATION AND RETURN OF CONTACT

The recipient of a contract for an athletic contest between two member schools of the KHSAA shall return the contract, either signed or unsigned, to the sender within thirty (30) days after having received it. The contract will become void if not returned within this time period.

##### D) CORRESPONDING DATES

All contracts between member schools shall contain a specific date for each contest covered in the contract. A contract in which the words "corresponding date" appears, rather than a specific date, cannot be enforced.

#### Section 4. Waiving of Rules

School officials of member schools may not by mutual agreement waive or modify any of the rules of the Association for any contest sanctioned by the Association.

(See Case C-3, C-4, C-5, C-6, C-7, C-8, C-9, C-10, C-11)

### ARTICLE IX AMENDMENTS

#### Section 1. Deadline for Filing

On or before September 10 of each year, a DELEGATE or REPRESENTATIVE may file with the Commissioner any proposed change in the Association Constitution and/or Bylaws. The Commissioner shall submit the proposed changes approved by the Board of Control to the member schools by electronic or printed means within seven (7)

calendar days of the Annual Meeting. Any proposal to be offered by the Board of Control shall be submitted to the member schools by electronic or printed means within seven (7) calendar days of the Annual Meeting. Except by two-thirds vote of the DELEGATES answering the roll, no proposals other than these may be considered at the ANNUAL MEETING.

#### **Section 2. Vote Necessary to Amend**

A two-thirds majority of all DELEGATES answering the roll at the ANNUAL MEETING shall be necessary to amend the Constitution and/or Bylaws.

#### **Section 3. Referendum**

The Board of Control may submit any proposed changes to the REPRESENTATIVES of member schools at any time by mail. If any such proposal receives a two-thirds majority of all votes cast by the REPRESENTATIVES, they shall have the same force and effect as though passed at the ANNUAL MEETING. All votes received on a referendum shall be opened and counted at the same meeting.

#### **Section 4. Vote of Single Sex Schools**

No member school enrolling only one sex shall have a vote on any phase of the Association's work not involving or pertaining to the school. Schools enrolling only boys shall not vote on matters pertaining only to girls' athletics, and schools enrolling only girls shall not vote on matters pertaining only to boys' athletics.

#### **Section 5. Effective Date**

Amendments receiving the requisite vote shall be effective when approved by the Legislative Research Commission in accordance with applicable State Regulations.

### **ARTICLE X**

#### **RESPONSIBILITY OF THE PRINCIPAL**

The principal of each school, in all matters pertaining to the athletic relations of his/her school, is responsible to this Association. He/she shall exercise control over all finances, the scheduling of contests, and all other matters involved in the management of his/her school athletic program. Any school whose athletic program (grades 6-12) is managed by a non-school group shall not be eligible to hold membership in the Kentucky High School Athletic Association.

The principal of each school shall require all participants in interscholastic athletics and their parent(s) or guardian(s) to acknowledge receipt of the eligibility rules as promulgated by the Association, and Kentucky Board of Education regulations prior to certifying their eligibility.

### **ARTICLE XI**

#### **DISSOLUTION OF THE ASSOCIATION**

Upon the dissolution of the Association, the Board of Control shall, after paying or making provisions for the payment of all liabilities of the Association, dispose of all assets of the Association exclusively for the benefit of the member schools of the Association that shall at that time qualify as exempt organizations under section 501 c (3) of the Internal Revenue Service Code of 1954 (or the corresponding provision of any future United States Internal Revenue Service Law). Any such assets not so disposed of, shall be disposed of by the Court of Common Pleas of the county in which the principal office of the Association is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for educational purposes.

### **ARTICLE XII**

#### **MANAGEMENT OF INTERSCHOLASTIC ATHLETICS**

The Kentucky Board of Education designates the Kentucky High School Athletic Association as the sole organization to manage interscholastic athletics in schools that are members in good standing of the Kentucky High School Athletic Association. Each local Board of Education is responsible to the Kentucky Board of Education for interscholastic athletics in grades K-5.

The Kentucky High School Athletic Association will submit annually the rules, regulations, and bylaws to the Kentucky Board of Education together with any proposed changes hereto. Appeals from the Kentucky High School Athletic Association Board of Control shall follow the KHSAA Due Process Procedure as approved by the Kentucky Board of Education.

The Kentucky High School Athletic Association shall conduct the meetings of the Board of Control of the Kentucky High School Athletic Association in accordance with Roberts Rules of Order as modified for use and all other matters shall be conducted in accordance with the Kentucky High School Athletic Association Board of Control Handbook and Policy Manual.